



23 AUG 1978

MEMORANDUM FOR: Deputy Director for Operations
(Attention: Eloise Page)

Deputy Director for Science and Technology
(Attention: Ernest J. Zallmer)

Director, National Foreign Assessment Center
(Attention: Paul Walsh)

General Counsel
(Attention:)

FROM : Michael J. Malanick
Associate Deputy Director for Administration

SUBJECT : Planning for Implementation of E.O. 12065

REFERENCE : Action Plan Approved 26 July 1978 for
Implementation of E.O. 12065

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Attached for your planning and guidance is a paper prepared by the Task Force concerned with implementing the provisions of E.O. 12065 concerning classification, declassification, and mandatory review. Because of the amount of work to be accomplished by 1 December 1978, it is hoped that the paper will prove useful to you in accomplishing the tasks outlined.

/s/ Michael J. Malanick
Michael J. Malanick

Attachment: a/s

cc: D/Sec (Attention:)
DTR (Attention: Harry Fitzwater)

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Classification, Declassification, Mandatory Review Guidance

1. Introduction

a. The recently issued Executive Order 12065 requires that CIA as an agency with original classification authority promulgate Classification Guides (Sec. 5-403) and Declassification Guidelines (Sec. 3-402), and that they develop procedures for mandatory review of information for declassification (Sec. 3-501). The Order also requires that unclassified regulations establishing agency information security policy and unclassified guidelines for systematic declassification review shall be published in the Federal Register (Sec. 5-402). The Order further stipulates that Agency implementing regulations contain criteria explaining in narrative form the reason information needs to be protected beyond six years (Sec. 1-502).

b. The NSC draft implementing directive for the Executive Order requires that Classification Guides contain categories and subcategories of information to be protected, the level of classification to apply to each, the duration of such specified classification, and the reason for any extension of classification beyond six years.

c. The CIA Task Force concerned with implementing the classification, declassification, and mandatory review requirements noted above is currently drafting two basic papers and identifying tasks for the consideration of the three Directorates and NFAC.

2. Classification Guides

Conceptually the Task Force envisages three different levels of classification guides.

a. Agency Classification Guide

This Guide will set forth broad categories of intelligence information based upon the seven classification requirements a-g (Sec. 1-301). These categories will be generally common to all Directorates. The guide will be unclassified and require Deputy Director and DCI approval. It appears likely that it will have to be published in the Federal Register. Whether classification designations and duration of classification have to be assigned to each category of information in the basic Agency guide remains to be resolved. If such assignment is required, a variable classification designation from Confidential to Top Secret for each category would seem appropriate combined with a duration of up to 20 years.

b. Directorate Classification Guides

These guides will establish subcategories of intelligence information based upon the Agency Classification Guide and will contain information generally common to all components of a Directorate. They may be classified or unclassified and will be approved by the individual Deputy Directors. Each subcategory of information will require a determination as to the level of classification, the duration of the classification, and the reason for any extension of classification beyond six years.

c. Office (or equivalent) Classification Guides

These will further expand upon the subcategories of information contained in the Directorate Classification Guides and will reflect the needs and concerns of individual components of each Directorate. They may be classified or unclassified and will be approved by the Office Directors or Chiefs of the individual components and ultimately by the pertinent Deputy Director. Each such subcategory of information will require a determination as to the level of classification, the duration of the classification, and the reason for any extension of classification beyond six years.

3. Draft of Agency Classification Guide and Task Force Comments for Directorate Consideration

a. A draft Agency Classification Guide will be distributed to Directorates o/a 1 September 1978 and Directorate comments are requested by 18 September 1978. This tight deadline is necessary because the Agency Classification Guide will serve as a starting point for Directorate and Office guides.

b. It should be noted that E.O. 12065 recognizes that there may be national security categories of information other than those set forth in a-f of the E.O. which require protection against unauthorized disclosure. Directorates should carefully examine categories a-f to determine if additional (g) categories are needed to meet their requirements. Any such additional categories require DCI approval.

c. As noted in paragraph 4 below, the Task Force is attempting to dovetail its draft Agency Classification Guide with Directorate guidelines for systematic declassification prepared in late 1977. It is therefore recommended that Directorates review their guides for declassification in conjunction with their review of the Task Force draft Agency Classification Guide.

d. In the preparation of Directorate and Office Classification Guides, information requiring protection must be categorized to the extent possible. The Classification Guides should state which of the classification designations (i.e., Top Secret, Secret, or Confidential) apply to each category of information. A statement covering the duration of classification when such duration is to exceed six years and the reason for such extension is also required.

e. Although Directorate and Office Classification Guides may be classified to the level necessary, lower classifications are encouraged considering the intended wide use of the guides.

f. Directorates are reminded that the significance in developing comprehensive Classification Guides lies in the authority extended by the E.O. to permit derivative classification to individuals not provided original classification authority (Sec. 2 of the Order). Every original classification must include both a decision that the information concerns one or more of the criteria a-g described in Sec. 1-301 of the Order, and a decision that disclosure of the information reasonably could be expected to cause one of the three levels (grave, serious, identifiable) of damage described in Sec. 1-1 of the Order. The decision involved in each step must be considered separate and distinct from that of the other.

4. Guidelines for Systematic Declassification Review

Each Directorate in late 1977 approved a guideline for systematic review for declassification.

a. The Task Force is drawing from the four Directorate guidelines and preparing an unclassified Agency Declassification Guideline for publication in the Federal Register. The draft Agency guideline will be sent to Directorates for comment later in the year inasmuch as we have until 1 May 1979 to accomplish this objective.

b. The guides for classification and declassification should dovetail. The Task Force is therefore drawing from the Directorate guidelines for declassification in its preparation of the basic guide for classification. It follows that Directorates may desire to review their guidelines for declassification when they review the basic classification guide prepared by the Task Force.

c. Directorate guidelines for declassification previously prepared as unclassified contain in some cases information that should be classified. Also if categories of information needing protection are not covered in the guides for declassification, documents containing such information are automatically declassified after 20 years or 30 years for foreign government information. It is recommended therefore that Directorates review their guidelines for declassification for both comprehensiveness and classification of content. Directorates may prepare classified supplementary guidelines for declassification as required.

d. The Task Force will prepare a draft special systematic review guideline for foreign government information.

e. Special procedures for systematic review and declassification of classified cryptologic information will be developed by the Secretary of Defense. The DCI is responsible for developing special procedures for systematic review and declassification of classified information concerning the identities of clandestine human agents. The Task Force will be looking to the DDO for input in developing the latter guideline which will be binding on the Intelligence Community.

5. Mandatory Review Procedures

It is anticipated that the current modus operandi between the Information and Privacy Staff and Agency components for handling mandatory review requests along with FOIA and Privacy Act requests will be continued. The Task Force will be responsible for drafting a paper describing these procedures for mandatory review to conform with Sec. 3-5 of the Order.

6. Task Force Assistance

Questions on this paper should be referred to Directorate Focal Point Officers who are available to provide assistance as may be required.

DRAFT OF AGENCY CLASSIFICATION GUIDE

31 August 1978

1-3 Classification Requirements

1-301(a) Military plans, weapons or operations

(1) Information derived from or through intelligence sources or methods on foreign intentions, capabilities, or activities which pose a potential threat to United States national security interests or to those of allied or other friendly governments.

(2) Information which could reveal the extent or degree of success achieved by the United States in the collection of information on and assessment of foreign military plans, weapons, capabilities or operations.

(3) Information that could reveal defense plans or posture of the United States, its allies, or other friendly countries; or enable a foreign nation or entity to develop countermeasures to such plans or posture.

(4) Information that could reveal the capabilities, vulnerabilities or deployment of United States weapons or weapons systems.

1-301(b) Foreign Government Information

(1) Information provided to the United States by any element of a foreign government or international organization of governments, with the explicit or implicit understanding that the information is furnished in confidence.

(2) Information produced by the United States pursuant to a confidential agreement with a foreign government or governments or international organization of governments, or with any element thereof, or produced jointly with a foreign government or governments under such an agreement.

(3) Information revealing the existence of joint intelligence activities, facilities, or the nature thereof in foreign countries.

1-301(c) Intelligence activities, sources or methods

(1) Information which could reveal or identify a present, past or prospective intelligence source, whether a person, organization, group, technical system, mechanism, device, or any other means or instrument that provides, has provided, or is being developed to provide foreign intelligence or foreign counterintelligence.

(2) Information which could reveal or identify a present, past or prospective intelligence method, procedure, mode, technique, or requirement used or being developed to acquire, transmit, analyze, correlate, evaluate, or process foreign intelligence or foreign counterintelligence, or to support an intelligence source, operation or activity.

(3) Information not officially released which could disclose the organizational structure of the Central Intelligence Agency; the numbers and assignments of CIA personnel; the size and composition of the CIA budget, including internal and external funding; logistical and associated support activities and services, security procedures, techniques, and activities including those applicable to the fields of communications and data processing; or other quantitative or qualitative data which could reveal or indicate the nature, objectives, requirements, priorities, scope or thrust of Agency activities, including missions, functions, and locations of CIA components, and/or installations.

(4) Information that could disclose the identities of certain CIA personnel, or of code designations used by CIA or other agencies to protect such personnel or intelligence sources, methods, or activities.

(5) Information that could reveal the existence, nature, scope or effect of, or identify personnel covered under, agreements between the CIA and other agencies of the United States Government, elements of foreign governments, or other entities.

(6) Information pertaining to contractual relationships with private individuals, commercial concerns, or non-governmental institutions and entities when such a relationship involves a specific intelligence interest, or reveals the extent or depth of knowledge or technical expertise possessed by CIA, or when disclosure of the relationship could jeopardize the contractor's willingness or ability to provide services to CIA.

(7) Information pertaining to intelligence-related methodologies, techniques, formulae, equipment, programs or models, including computer simulations, ranging from initial requirements through planning, source acquisition, contract initiation, research, design and testing, to production, personnel training, and operational use.

(8) Information which could identify specific research, procedures or data used by CIA in the acquisition and processing of intelligence, or the production of finished intelligence, when such identification could reveal the particular intelligence interest of the CIA, the value of the intelligence, or the extent of the CIA's knowledge of a particular subject.

(9) Information that could disclose CIA criteria and procedures for the handling of critical intelligence which could affect the

national security of the United States or of its allies and which requires the immediate attention of senior Agency officials.

(10) Information that could reveal, jeopardize, or compromise a cryptographic device, procedure or system, or intelligence data resulting from the employment of such a device, procedure or system, or the sites, facilities, systems, and technologies used, or proposed for use, in the collection, interpretation, evaluation, or dissemination of communications or signals intelligence.

(11) Information pertaining to training in intelligence sources, methods, and activities provided under the auspices of CIA to individuals, organizations or groups which could reveal or identify equipment, materials, training sites, methods and techniques of instruction, or the identities of students and instructors.

(12) Information which could disclose CIA policies and procedures used for personnel recruitment, assessment, selection, training, assignment, and evaluation.

1-301(d) Foreign relations or foreign activities of the United States

(1) Information which, if disclosed, could lead to foreign political, economic or military action against the United States or other friendly nations.

(2) Information which, if revealed, could create, stimulate, or increase international tensions in such manner as to impair the conduct of United States foreign policies.

(3) Information which, if revealed, could deprive the United States of a diplomatic or economic advantage related to the national security,

or which could weaken the position of the United States or its allies in international negotiations, or adversely affect other activities pertinent to the resolution or avoidance of international conflicts or differences having national security significance.

(4) Information that could disclose plans prepared, under preparation, or contemplated by officials of the United States to meet diplomatic or other contingencies affecting the security of the United States.

(5) Information that could identify or otherwise disclose activities conducted abroad in support of national foreign policy objectives, and planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, or information that could reveal support provided to such activities.

(6) Information which could reveal to a foreign nation, organization or group that the United States has obtained, or seeks to obtain, certain data or materials from or concerning such a nation, organization or group, and which could thereby adversely affect United States relations with or activities in a foreign country.

(7) Information which, if disclosed, could lead to political or economic instability, or to civil disorder or unrest, in a foreign country or could jeopardize the lives, liberty or property of United States citizens residing in or visiting such a country, or could endanger United States Government personnel or installations there.

the national security

(1) Information which provides the United States with a scientific, technical, engineering, economic or intelligence advantage of value to the national security,

(2) Information concerning CIA research of a scientific or technical nature leading to the development of special techniques, procedures, equipment and equipment configurations, systems, and their use in the collection or production of foreign intelligence or foreign counterintelligence.

(3) Information dealing with research and development, operational planning, deployment, and/or use of scientific and technical devices, equipment or techniques used for national security purposes by the CIA jointly with, or through the cooperation of, other United States and/or foreign governmental entities.

1-301(f) United States Government programs for safeguarding nuclear materials of facilities

(1) Information that could reveal, jeopardize, compromise, or reduce the effectiveness of United States Government programs to safeguard nuclear materials, techniques, capabilities or facilities.

(2) Information on foreign nuclear programs, activities, capabilities, technologies, facilities, plans and intentions, weapons and their deployment which could disclose the nature, scope or effectiveness of United States intelligence efforts to monitor nuclear developments abroad, or could cause such efforts to fail or to be restricted in a manner detrimental to national security.

1-301(g) Other categories of information which are related to national security and which require protection against unauthorized disclosure as determined by the President, by a person designated by the President pursuant to Section 1-201, or by an agency head

(1) Information, documents or materials specifically protected by statute or treaty.

(2) Information contained in a compilation of otherwise unclassified material or data which, in the aggregate or by reason of particular arrangement or juxtaposition, may require classification as national security information when assembled and compiled.

(3) Information which could disclose the nature or substance of confidential advice given to the President of the United States or to the National Security Council by the Director of Central Intelligence.

(4) Information that could reveal the nature or substance of deliberations within the Executive Branch of the United States Government involving policy formulations or other matters relevant to the national security and participated in, or contributed to, by the Director of Central Intelligence or his designated representatives.

(5) Information concerning discussions, negotiations, agreements or relationships between the Director of Central Intelligence or the Central Intelligence Agency and other departments or agencies of the Executive Branch, or the Members, committees, and/or staffs of the United States Senate or House of Representatives, or independent establishments or individuals, on matters pertaining to the national security including exchanges of information on, or assessments of, the potential effects of proposed or pending legislation on the missions, functions or activities of the DCI or the CIA.

(6) Information which could be expected to place an individual in immediate jeopardy.